

**Calendar No. 238**

109TH CONGRESS  
1ST SESSION

**S. 584**

**[Report No. 109–146]**

To require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park.

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IN THE SENATE OF THE UNITED STATES

MARCH 9, 2005

Mr. SALAZAR (for himself and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

OCTOBER 19, 2005

Reported by Mr. DOMENICI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Betty Dick Residence  
3 Protection Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) before their divorce, Fred and Marilyn  
7 Dick, owned as tenants in common a tract of land  
8 that included the property described in section 5(b);

9 (2) when Fred and Marilyn Dick divorced,  
10 Marilyn Dick became the sole owner of the tract of  
11 land, but Fred Dick retained the right of first re-  
12 fusal to acquire the tract of land;

13 (3) in 1977, Marilyn Dick sold the tract to the  
14 United States for addition to Rocky Mountain Na-  
15 tional Park, but Fred Dick, asserting his right of  
16 first refusal, sued to cancel the transaction;

17 (4) in 1980, the lawsuit was settled through an  
18 agreement between the National Park Service, Fred  
19 Dick, and the heirs, successors, and assigns of Fred  
20 Dick;

21 (5) under the 1980 settlement agreement, Fred  
22 Dick and his wife, Betty Dick, were allowed to lease  
23 and occupy the 23 acres comprising the property de-  
24 scribed in section 5(b) for 25 years;

25 (6) Fred Dick died in 1992, but Betty Dick has  
26 continued to lease and occupy the property described

1 in section 5(b) under the terms of the settlement  
2 agreement;

3 ~~(7) Betty Dick's right to lease and occupy the~~  
4 ~~property described in section 5(b) will expire on July~~  
5 ~~16, 2005, at which time Betty Dick will be 83 years~~  
6 ~~old;~~

7 ~~(8) Betty Dick wishes to continue to occupy the~~  
8 ~~property for the remainder of her life and has~~  
9 ~~sought to enter into a new agreement with the Na-~~  
10 ~~tional Park Service that would allow her to continue~~  
11 ~~to occupy the property;~~

12 ~~(9) the National Park Service has not been will-~~  
13 ~~ing to enter into a new agreement with Betty Dick~~  
14 ~~and is demanding that she vacate the property by~~  
15 ~~July 16, 2005;~~

16 ~~(10) since 1980, Betty Dick—~~

17 ~~(A) has consistently occupied the property~~  
18 ~~described in section 5(b) as a summer resi-~~  
19 ~~dence;~~

20 ~~(B) has made the property available for~~  
21 ~~community events; and~~

22 ~~(C) has been a good steward of the prop-~~  
23 ~~erty;~~

24 ~~(11) Betty Dick's occupancy of the property~~  
25 ~~has not—~~

1           (A) been detrimental to the resources and  
2           values of Rocky Mountain National Park; or

3           (B) created problems for the National  
4           Park Service or the public; and

5           (12) under the circumstances, it is appropriate  
6           for Betty Dick to be allowed to continue her occu-  
7           pancy of the property described in section 5(b) for  
8           the remainder of her natural life under the terms  
9           and conditions applicable to her occupancy of the  
10          property since 1980.

11 **SEC. 3. PURPOSE.**

12          The purpose of this Act is to require the Secretary  
13          of the Interior to permit the continued occupancy and use  
14          of the property described in section 5(b) by Betty Dick  
15          for the remainder of her natural life.

16 **SEC. 4. DEFINITIONS.**

17          In this Act:

18           (1) ~~AGREEMENT.~~—The term ~~“Agreement”~~  
19           means the agreement between the National Park  
20           Service and Fred Dick entitled “Settlement Agree-  
21           ment” and dated July 17, 1980.

22           (2) ~~MAP.~~—The term ~~“map”~~ means the map en-  
23           titled “Betty Dick Residence and Barn” and dated  
24           January 2005.

1           ~~(3) SECRETARY.~~—The term “Secretary” means  
2           the Secretary of the Interior.

3   **SEC. 5. RIGHT OF OCCUPANCY.**

4           ~~(a) IN GENERAL.~~—The Secretary shall allow Betty  
5   Dick to continue to occupy and use the property described  
6   in subsection ~~(b)~~ for the remainder of the natural life of  
7   Betty Dick, subject to the requirements of this Act.

8           ~~(b) DESCRIPTION OF PROPERTY.~~—The property re-  
9   ferred to in subsection ~~(a)~~ is the land and any improve-  
10   ments to the land within the boundaries of Rocky Moun-  
11   tain National Park identified on the map as “residence”,  
12   “occupancy area”, and “barn”.

13          ~~(c) TERMS AND CONDITIONS.~~—

14               ~~(1) IN GENERAL.~~—Except as provided in para-  
15   graph ~~(2)~~, the occupancy and use of the property  
16   identified in subsection ~~(b)~~ by Betty Dick shall be  
17   subject to the same terms and conditions specified in  
18   the Agreement.

19               ~~(2) PAYMENT.~~—In exchange for the continued  
20   use and occupancy of the property, Betty Dick shall  
21   annually pay to the Secretary an amount equal to  
22    $\frac{1}{25}$  of the amount specified in section ~~3(B)~~ of the  
23   Agreement.

24          ~~(d) EFFECT.~~—Nothing in this Act—

1           ~~(1) allows the construction of any structure on~~  
 2           ~~the property described in subsection (b) not in exist-~~  
 3           ~~ence on November 30, 2004; or~~

4           ~~(2) applies to the occupancy or use of the prop-~~  
 5           ~~erty described in subsection (b) by any person other~~  
 6           ~~than Betty Dick.~~

7   **SECTION 1. SHORT TITLE.**

8           *This Act may be cited as the “Betty Dick Residence*  
 9           *Protection Act”.*

10   **SEC. 2. PURPOSE.**

11           *The purpose of this Act is to require the Secretary of*  
 12           *the Interior to permit the continued occupancy and use of*  
 13           *the property described in section 4(b) by Betty Dick for the*  
 14           *remainder of her natural life.*

15   **SEC. 3. DEFINITIONS.**

16           *In this Act:*

17           (1) *AGREEMENT.*—*The term “Agreement” means*  
 18           *the agreement between the National Park Service and*  
 19           *Fred Dick entitled “Settlement Agreement” and dated*  
 20           *July 17, 1980.*

21           (2) *MAP.*—*The term “map” means the map enti-*  
 22           *tled “RMNP Land Occupancy” and dated September*  
 23           *2005, which identifies approximately 8 acres for the*  
 24           *occupancy and use by the tenant.*

1           (3) *SECRETARY.*—*The term “Secretary” means*  
 2           *the Secretary of the Interior.*

3           (4) *TENANT.*—*The term “tenant” means Betty*  
 4           *Dick, widow of George Fredrick Dick, who held a 25-*  
 5           *year reservation of occupancy and use at a property*  
 6           *within the boundaries of Rocky Mountain National*  
 7           *Park.*

8   **SEC. 4. RIGHT OF OCCUPANCY.**

9           (a) *IN GENERAL.*—*The Secretary shall allow the ten-*  
 10          *ant to continue to occupy and use the property described*  
 11          *in subsection (b) for the remainder of the natural life of*  
 12          *the tenant, subject to the requirements of this Act.*

13          (b) *DESCRIPTION OF PROPERTY.*—*The property re-*  
 14          *ferred to in subsection (a) is the land and any improve-*  
 15          *ments to the land within the boundaries of Rocky Mountain*  
 16          *National Park identified on the map as “residence” and*  
 17          *“occupancy area”.*

18          (c) *TERMS AND CONDITIONS.*—

19               (1) *IN GENERAL.*—*Except as otherwise provided*  
 20          *in this Act, the occupancy and use of the property*  
 21          *identified in subsection (b) by the tenant shall be sub-*  
 22          *ject to the same terms and conditions specified in the*  
 23          *Agreement.*

24               (2) *PAYMENTS.*—

1           (A) *IN GENERAL.*—*In exchange for the con-*  
 2           *tinued occupancy and use of the property, the*  
 3           *tenant shall annually pay to the Secretary an*  
 4           *amount equal to  $\frac{1}{25}$  of the amount specified in*  
 5           *section 3(B) of the Agreement.*

6           (B) *ADVANCE PAYMENT REQUIRED.*—*The*  
 7           *annual payments required under subparagraph*  
 8           *(A) shall be paid in advance by not later than*  
 9           *May 1 of each year.*

10          (C) *DISPOSITION.*—*Amounts received by the*  
 11          *Secretary under this paragraph shall be—*

12               (i) *deposited in a special account in*  
 13               *the Treasury of the United States; and*

14               (ii) *made available, without further*  
 15               *appropriation, to the Rocky Mountain Na-*  
 16               *tional Park until expended.*

17          (3) *PUBLIC ACCESS.*—*The public shall have ac-*  
 18          *cess to both banks of the main channel of the Colorado*  
 19          *River.*

20          (d) *TERMINATION.*—*The right of occupancy and use*  
 21          *authorized under this Act—*

22               (1) *shall not be extended to any individual other*  
 23               *than the tenant; and*

24               (2) *shall terminate—*

25               (A) *on the death of the tenant;*



1                   (B) if the tenant does not make a payment  
2                   required under subsection (c)(2); or

3                   (C) if the tenant otherwise fails to comply  
4                   with the terms of this Act.

5           (e) *EFFECT.*—Nothing in this Act—

6                   (1) allows the construction of any structure on  
7                   the property described in subsection (b) not in exist-  
8                   ence on November 30, 2004; or

9                   (2) applies to the occupancy or use of the prop-  
10                  erty described in subsection (b) by any person other  
11                  than the tenant.

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